

(6) Persons who are identified in the records may not be contacted by or on behalf of the researcher;

(7) Prior to publication or public presentation of the data, the final research product(s) shall be provided to the Assistant Archivist for the National Archives for review. NARA's review shall be limited to ensuring that there is no possible identification of individuals in the research findings. NARA will not evaluate the validity of the research findings;

(8) All research notes containing personally identifiable information from privacy-restricted records and/or copies of such records shall, upon completion of the project, be destroyed or returned to NARA, whichever condition NARA has imposed as a condition of access. If the notes and/or copies are destroyed, the researcher shall verify in writing to the Assistant Archivist for the National Archives that the research notes and/or copies have been destroyed.

(e) *Noncompliance with conditions of access.* If NARA discovers that a researcher has violated any of the conditions of access imposed by NARA, NARA shall take steps to revoke the NARA research privileges of that person and shall consult with the NARA legal counsel to determine any other steps to be taken to prevent any further disclosure of the personal information concerned. NARA may also inform the following persons and organizations of the researcher's failure to follow the conditions of use:

- (1) The institution with which the researcher is affiliated, if applicable;
- (2) Persons who served as references in the application for access;
- (3) Organizations which provided grant funds for the project;
- (4) The sponsor of the publication or public presentation; and/or
- (5) Appropriate professional organizations.

[53 FR 6821, Mar. 3, 1988]

Subpart A—General Restrictions

§ 1256.10 National security information.

(a) *Records.* Records containing information regarding national defense or foreign policy and properly classified under an Executive order.

(b) *Restrictions.* Such records may be disclosed only in accordance with the provisions of such Executive order and its implementing directive.

(c) *Imposed by.* Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2108.

[48 FR 6540, Feb. 14, 1983. Redesignated at 50 FR 15723, Apr. 19, 1985]

§ 1256.12 Information exempted from disclosure by statute.

(a) *Records.* Records containing information which is specifically exempted from disclosure by statute.

(b) *Restrictions.* Such records may be disclosed only in accordance with the provisions of 44 U.S.C. 2108.

(c) *Imposed by.* Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2108.

[48 FR 6541, Feb. 14, 1983, as amended at 48 FR 45393, Oct. 5, 1983. Redesignated at 50 FR 15723, Apr. 19, 1985]

§ 1256.14 Trade secrets and commercial or financial information.

(a) *Records.* Records not restricted by statute but which contain trade secrets and commercial or financial information submitted to the government with an expressed or implied understanding of confidentiality.

(b) *Restrictions.* Such records may be disclosed only if:

- (1) The party that provided the information agrees to its release; or
- (2) In the judgment of the Archivist of the United States, the passage of time is such that release of the information would not result in substantial competitive harm.

(c) *Imposed by.* Archivist of the United States in accordance with 5 U.S.C. 552 and 44 U.S.C. 2108.

[48 FR 6541, Feb. 14, 1983. Redesignated at 50 FR 15723, Apr. 19, 1985]

§ 1256.16 Information which would invade the privacy of an individual.

(a) *Records.* Records containing information about a living individual which reveal details of a highly personal nature that the individual could reasonably assert a claim to withhold from the public to avoid a clearly unwarranted invasion of privacy, including but not limited to information about